





## The Town of Fenwick Island

800 Coastal Highway  
Fenwick Island DE 19944-4409

WWW.fenwickisland.delaware.gov  
PH 302.539.3011 FAX 302.539.1305

**Regular Meeting of the Town Council  
The Town of Fenwick Island  
OCTOBER 22, 2010 @3:30 PM  
AGENDA**

1. Flag Salute and Call to Order
2. Audit Report – Tom Sombar, Sombar and Company
3. President's Report
4. Topics for Discussion and Possible Action
  - a. Resolution #48-2010 – Dedicated funding for Road Improvements
  - b. Appointment of Public Works Supervisor
  - c. Site selection for proposed Public Safety Building
  - d. Funding for Sidewalk Study professional services
  - e. Approval for Fenwick Freeze
5. Approval of Minutes from September 24, 2010 Regular Council Meeting.
6. Treasurer's Report: Council Member Bunting
7. Town Manager's Report – Win Abbott
8. Department Reports: Beach Patrol, Building, Public Works and Police Department
9. Committee Reports: Beach, Environmental, Public Safety Building
10. Planning Commission: Winnie Lewis
11. Charter and Ordinance: Council Member Weistling
  - a. Proposed First Reading Chapter 135 – Signs
  - b. Proposed First Reading Chapter 140 – Streets and Sidewalks
12. Old Business
13. New Business – No Action to be Taken
14. Public participation
15. Upcoming Events and Meetings
  - a. November 2 – Election Day; Town Hall closed for regular business
  - b. November 4 – Return Day; Town Hall closed for regular business
  - c. November 8 @2:30 PM – Planning Commission
  - d. November 9 @9:30 AM – Charter and Ordinance Committee
  - e. November 11 – Veteran's Day; Town Hall closed for regular business
  - f. November 25 & 26 – Thanksgiving Holiday; Town Hall closed for regular business
  - g. December 7 @9:30 AM – Charter and Ordinance Committee
  - h. December 10 @2:45 PM – Public Hearing Realign Property Lines 1406 Bora Bora Street
  - i. December 10 @ 3:30 PM – Regular Council Meeting
  - j. December 10 @ 7:00 PM – Memorial Christmas Tree Lighting with Bethany Beach Volunteer Fire Company
16. Adjournment

*This agenda is subject to change to include the deletion of items and the addition of items. Executive Session may be convened to discuss Personnel or Legal matters.*

*Posted: October 14, 2010; October 18, 2010 additional item (e) For Discussion and Possible Action; additional meeting (h) Public Hearing*

## Minutes of the September 24, 2010 Regular Council Meeting

---

Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Welstling, Serio, Carmean, Bunting, Smallwood, Tingle and Langan  
Absent: None

### **Public Safety Building Presentation – Alvin French, Partner in French and Ryan**

French and Ryan was engaged by the Town of Fenwick Island to conduct a study on the feasibility of a Public Safety Building. The firm surveyed two locations on Town property: Site 1(a) - adjacent to the present Public Works facility and Site 2 - behind the Town Hall adjoining the Bethany Beach Volunteer Fire Company facility. Finalized cost estimates for both locations will be available in 1-2 weeks. Mr. French presented two displays:

- Site 1(a) proposes lifeguard storage. It is 30'X90' building. Fenwick Island Police would enter the building from Cannon Street. The plan provides five parking spaces thus freeing up parking at the current Town Hall facility. The building plan provides separation from other facilities, is easy to find and proposes a small fence or wall for security purposes. The building will be 3.5' off the ground. Public entrance is through the covered main entryway (handicap accessible); Police located on the first level; interview and processing rooms are on the first level with a separate entry for prisoner intake. There are two inside stairways to the second level; (handicap accessible) an elevator is included in the concept. A lifeguard area will be designated. Restrooms are on both levels. There is a second level meeting room that will hold approximately 110 persons; offices and a conference room will be located here. First floor approximately 2800 Sq ft; second floor approximately 2500 Sq ft. Building features a cupola. Chlef Boyden has researched the plan to insure that it meets all Federal and State requirements.
- Site 2 proposes a connection on the north side of the current Fire Department building. It is roughly the same size and would project out into the back parking lot at Town Hall. It would not encroach on the current Public Works facility. Fenwick Island Police will need to enter from the lot behind Town Hall. There is a small separation between the proposed facility and the current Public Works facility. There are some security concerns with the buildings being attached due to access from the Fire Company into the Public Safety Building. This will require an access security system as well as other associated additional work in concert with the Fire Company (e.g. five sleeping stations and a commercial kitchen). The concept includes an elevator to the second floor; restrooms and a shower on the second level. May include a meeting room to accommodate 70 persons. An extra fire escape is needed because of the configuration of the building; an interior exit would reduce the size of the meeting room. Still doing cost estimates but will probably cost more to accomplish and result in less space than Site 1 (a).

Both proposed buildings are 2-storey approximately 5200 square feet and elevated on pilings. The present lifeguard facility will be moved.

### **DISCUSSION**

Mayor Serio advised that the Town Council is leaning toward selection of Site 1(a) as the easier/better of the two options to implement. Addressing the height of the cupola, Mayor Serio noted that this is still in concept stage.

Mr. James Cooper (6 W Indian St) – suggested that the town consider adding a second story to the existing Town Hall rather than use more land for another building. Mayor Serio noted that there had been a previous study and suggested that retrofitting the current building may be difficult.

Regarding the cupola/elevator shaft, Mr. French advised that his firm has reviewed Town Ordinance regarding height and believes that this is allowable. The elevator shaft must reach a certain height and the addition of the "tower" reflects a lighthouse motif. The building cannot be re-oriented as per the current drawing.

Mayor Serio advised that the original concept for Site 2 was the result of talks with the Fire Company. Town Council explored the concept after reviewing the town hall building in South Bethany and determined that a second site (Site 1-a) independent of the Fire Company building might be a viable option. Mr. French added that Site 1(a) considers future needs and allows for growth including the possible addition of two officers to the police force.

# Minutes of the September 24, 2010 Regular Council Meeting

---

Mayor Serio noted that using the present Town Park for the building is not an option although some activities from the park may be relocated to the new park on West Cannon Street.

The public was invited to ask Mr. French questions. Those who wanted their questions recorded in the minutes were advised to meet with Lynn Massey following the meeting. Mayor Serio thanked Mr. French for his presentation.

## President's Report

- Mayor Serio reported there will be a Quarterly Budget Committee meeting in October. The purpose of the meeting is to review the results of the final budget figures for 2009-2010 and the current budget figures.
- Mayor Serio announced that the Town has been chosen for beach replenishment to repair damage from last winter's storms. The project will not begin until early 2011.
- The Annual Audit has been completed and the Town is waiting for the results from Sombar and Company.
- Mayor Serio thanked those who have volunteered for membership in the Town's committees. Appointments will be announced at the next Council meeting and posted in town hall and on line.
- Beginning October 1, trash will be collected on Monday only. Recycling will be picked up the first and third Friday of the month.
- Lifeguards are not on duty. Parking permits are no longer required but you must follow all normal parking rules and regulations.
- Town Manager Abbott has gathered information on sidewalks and hopes to obtain concrete plans from the engineering firm.
- The Town has obtained permission from DNREC to store its lifeguard stands at the State Park.

## Topics for Discussion and Possible Action

### a. Site Selection for Public Safety Building – Mayor Serio

Motion to move forward with Site 1(a) as the primary site for continued study – Council Member Langan

Second – Council Member Carmean

#### DISCUSSION

Mayor Serio turned discussion duties over to Council Members Langan and Weistling as they are the two council members most familiar with the project, having been the points of contact throughout the process so far. Council Member Langan advised that the Town has completed a lot of work on the project but there is much more to do. Council Member Weistling advised that Site 1(a) appears to be in the best interest of the Town as it provides more space and does not appear to be as costly as Site 2 especially since a sprinkler system alone for Site 2 was estimated at \$45,000. Other areas would need retrofitting at additional expense. Mayor Serio believes the Council should proceed with its site selection but also should consider obtaining an estimate to add a second floor to the current Town Hall building. Council Member Weistling suggested contacting French and Ryan for this information.

Motion amended to move forward with the next phase (in-depth drawings and costing on Site 1-a) and also look at putting an addition to the top of the present Town Hall Building – Council Member Langan

Second – Council Member Bunting

#### DISCUSSION

Council Member Carmean advised that she will vote in favor of the motion. She noted that she has continues to have the same concerns regarding safety issues and is in favor of a separate Public Safety Building. The proposal is an uncomplicated solution to the problem. Council Member Tingle advised that she would like to wait on the final cost.

Vote: All in favor (7-0)

Motion to proceed with the next phase for Site 1(a) and also to obtain information on placing an addition to the present Town Hall Building passed.

# Minutes of the September 24, 2010 Regular Council Meeting

---

## Approval of Minutes:

Motion to Approve the Minutes of August 27, 2010 Meeting - Council Member Carmean

Second: Council Member Langan

## DISCUSSION

- Mayor Serio advised that she does not believe she stated that the Parks and Recreation Task Force would be composed of 10-12 members. Council Member Tingle advised that it is on the tape recording of the meeting. No change to the minutes.
- Council Member Carmean requested a change to the minutes "Old Business" by striking the sentence: "Mrs. Carmean noted that they will research a policy on outside jobs so that any outside agency should have a mutual aid agreement before hiring a current Fenwick Island Police officer."

Vote: All in favor to approve minutes with the noted corrections (7-0) - Minutes Approved

## Treasurer's Report:

Council Member Bunting noted that the financial report is included in the council meeting packet. All investments have been transferred into the new program and appear to be showing good results. The Town receives 1.75% interest on CDs which is better than in the past. Transfer Tax Fund shows \$215,000 received from the State of Delaware (grant for purchase of park land).

Motion to Accept the Treasurer's Report - Council Member Tingle

Second - Council Member Langan

## DISCUSSION

Council Member Carmean asked about the CDs interest and a way to track the interest received in order to place it into a fund dedicated to street repairs. Mayor Serio advised that this should be addressed at the Budget Committee meeting. Council Member Carmean asked if the Town has made progress toward paying its bills on line. Town Manager Abbott advised that it has not been pursued. Mayor Serio suggested waiting until after the results of the audit have been received.

Vote: All in favor (7-0)

Treasurer's Report accepted.

## Town Manager Report:

- Town Manager Abbott advised that the Town has received a grant (\$20,000) through the Delaware Energy Office to make the Town Hall building more energy efficient. This included upgrading HVAC services and a hot water heater. Engineer recommendations exceed this amount by \$4800. This will be discussed at the upcoming Budget meeting.
- The Town has been awarded a \$76,810.80 grant through the Delaware Energy Office Energy Efficiency Community Block Grant program for the installation of solar panels on the Public Works facility. The project must go through the bid process before work can begin. Council Member Smallwood asked if this project should be placed on hold until the Public Safety Building project is finalized; Mayor Serio advised that this project will take a while to firm up.
- All authorized staff have received new cell phones. The new plan will save \$2100.

## Department Reports:

- Beach Patrol - Tim Ferry reported that the Beach Patrol completed its State contract requirements and did an outstanding job. Council Member Carmean commended the FIBP for its work with the Junior Lifeguard Program competitions. Captain Ferry noted that the competition was well attended and that approximately 30 members participated. Council Member Tingle asked if a cap will be set for participation in the Jr. Lifeguard program. Captain Ferry advised that the Beach Patrol was able to accommodate all who wanted to participate. Council Member Carmean noted that she has photos of five lifeguards affecting rescues that she will forward to Ferry. Captain Ferry advised that there was much activity especially on Bayard Street.
- Building Official - Pat Schuchman noted that her report is included in the council packet.
- Public Works: Mr. Abbott noted that the report is included in the council packet. He commended the department for their work preparing for Hurricane Earl.
- Fenwick Island Police Department: Cpl. Beckage reported for Chief Boyden that there was nothing to add to the report that is included in the meeting packet.

# Minutes of the September 24, 2010 Regular Council Meeting

---

## Committee Reports:

- Beach Committee –No report. Mayor Serio advised that beach cleanup is Saturday, September 25, 2010 and thanked Lynn Andrews in advance for her leadership in this effort. Tim Ferry advised that the Beach Committee will meet in October and begin working on the Fenwick Freeze.
- Environmental Committee –Council Member Carmean advised that there was no meeting in September. Buzz Henifin continues work on the water quality reports and hopes to have the information available on the Town web site. Mayor Serio requested that the committee work with the Center for the Inland Bays to determine a suitable format.

**Planning Commission:** Did not meet in September

## Charter & Ordinance:

- Proposed Second Reading of Chapter 142 – Subdivision of Land – Council Member Weistling

Motion to accept – Council Member Weistling

Second - Council Member Bunting

Council Member Weistling advised that the proposed change affects 142-4 Violations and Penalties replacing violators shall be subject to a fine of not less than five hundred dollars (\$500.) and not more than two thousand five hundred dollars (\$2,500.) with violators shall be subject to a fine of five hundred dollars (\$500.).

DISCUSSION – Council Member Weistling noted that this change complies with advice of Town Solicitor to stipulate a definite fine.

Vote to accept the Proposed Second Reading of Chapter 142 – Subdivision of Land: Smallwood-aye; Carmean-aye; Bunting-aye; Serio – aye; Weistling-aye; Tingle-aye; Langan-aye

Second Reading passed (7-0)

- Proposed Second Reading of Chapter 153 – Vehicles and Traffic – Council Member Weistling

Motion to accept – Council Member Weistling

Second – Council Member Carmean

Council Member Weistling advised that the proposed change replaces the current Chapter 153 – Vehicles and Traffic in its entirety with the proposed change (included at the end of these minutes).

DISCUSSION – Much of the wording remained but changes 153-1 Fine change to \$100; 153-2 unchanged; 153-3; unchanged; 153-4 and 153-5 reversed order so that violations and penalties are last item listed and the fine is consistent.

Vote to accept the Proposed Second Reading of Chapter 153 – Vehicles and Traffic: Smallwood-aye; Carmean-aye; Bunting-aye; Serio – aye; Weistling-aye; Tingle-aye; Langan-aye

Second Reading passed (7-0)

## Old Business:

- Council Member Carmean advised that she and Council Member Smallwood have been working with Chief Boyden regarding the off-duty employment of Fenwick Island Police officers. A report will be ready soon.
- Council Member Weistling addressed portable beach mats used for beach access. He has read a report from the State of Florida on a recent study of the “mobi mats” and also contacted DNREC about their use. DNREC has installed mats in Cape Henlopen State Park . He noted a few concerns:
  - Floating out to sea – can be a concern but they also can be removed if needed. DNREC installed mats at the end of wooden ramps fairly close to the water. They are good for wheelchair access.
  - Maintenance - DNREC noted that the mats can get covered with sand and should be swept periodically during the day. They did remove the mats at the end of the season and found that a front end loader might be needed to remove them since they were heavy under the wet sand. They are made of polyester mesh and remain cool.
  - Cost – 5’x33’ (\$2600) 61 pounds in weight; 5’X50’ @92 pounds; 6’2”x33’ @98 pounds; 6’2”x50’ (\$4800) 140 pounds in weight. Approximately \$97 per linear foot.

Council Member Weistling added that DNREC may install the mats at all state beaches that have public ramps to bathhouses. He has contact information for a company representative should the council wish to pursue the matter. He is uncertain if the mat can withstand vehicles (ATV) riding over it.

# Minutes of the September 24, 2010 Regular Council Meeting

---

Mayor Serio advised that Rehoboth, Bethany and South Bethany have tried using the mats and that the town should contact them for their experience with the product. Council Member Weistling advised that a combination of widths could be used in order to accommodate wheelchair access and turning. According to an old news article, Bethany Beach purchased 18 mats for \$89,988. Council Member Tingle noted that they are easy to walk on.

## DISCUSSION

Peter Frederick (1605 Bunting Ave) – recollected that the Town is responsible for the west side of the dunes and that DNREC is responsible for the east side of the dunes. If that is correct will DNREC allow the use of the mats and participate in the purchase of the mats. Mayor Serio advised that the Town should ask DNREC to allow their use and request that they participate in the purchase. Council Member Weistling noted that the state does not have funding to complete installation on its beaches and most likely does not have available funds for the Town's beach.

## New Business – No Action to be Taken: Mayor Serio

Council Member Weistling gave an update on the 2010-11 Street Resurfacing Project. Five bids were received and the project was awarded. Low bid (\$108,452.60), Jerry's Paving, was approximately \$1000 less than the engineer's estimate. Jerry's is the same company who did the last project.

## Public Participation:

- Dave Whedon (1710 Bunting Ave) asked if the paving project includes painting/repainting the parking/no parking lines. Council Member Weistling advised that the Public Works Department paints the lines based on the Fenwick Island Police Departments requirements for proper placement. Mr. Whedon stated that people often park too close or in front of his driveway and he is unable to exit safely. Mayor Serio noted that the Town is not repaving Lewes Street at this time.
- John Bellan (1 W Houston St) – advised that this year's fishing tournament will be on Saturday, October 9, 2010 from Farmington to Lewes Streets (7AM – 3PM).
- Buzz Henifin (48 Windward Way) – expressed disappointment that the Town web site did not give information on Hurricane Earl as it approached our area. Council Member Bunting advised that the town did not have significant information to share. Mr. Henifin suggested that information should be placed on the electronic sign and on the web site. There is a "storm track" web site that seems to give good information; Mayor Serio noted that it might be possible for the Town to place a link on its web site that will direct visitors to the storm site. Council Member Carmean added that it might be advisable to note on the web site that there is no information available if that is the case.
- Buzz Henifin (48 Windward Way) – asked about the recent "reorganization" council meeting. Mayor Serio advised that the meeting was posted and held in August. Mr. Henifin inquired about the books located in the vestibule; Mayor Serio advised that most of them have been donated to the local AARP Chapter for their book sale this weekend. Mr. Henifin asked about the TV/VCR located at the rear of Villalon Hall. Council Member Langan donated both; Town Manager Abbott advised that it will be used during off-season for Emergency Management training. Mr. Henifin asked the Fenwick Island Police Department census; Mayor Serio advised that the town has 5 full time officers and 3 part-time available on an as-needed basis.
- Mary Pat Kyle (1205 Bunting Ave) – noted that Ocean City (MD) had the best reporting during the recent storm. She added that another wedding was held on Atlantic Street recently. Mayor Serio advised that there is no problem having weddings but that the property cannot be advertized commercially as a wedding/reception house. It is no longer being advertized on the internet.
- Linda Bunting (16 E Dagsboro St) – The Delaware Federation of Garden Clubs is building a Memorial Garden ([www.MemorialGarden-Dover.org](http://www.MemorialGarden-Dover.org)) to be located on the grounds of Dover Air Force Base. The purpose of the garden is to provide comfort for the families of fallen soldiers. Mrs. Bunting requested that those who are interested in assisting should pick up a pamphlet.
- Dave Whedon (1710 Bunting Ave) - advised that people often parked in his driveway and that police response was slow. He asked if he should call the State Police and Mayor Serio advised that he should contact FIPD or talk with the people who are responsible and request that they move the vehicles.
- James Cooper (6 W Indian St) – does not own a computer and believes that a more public way of notifying citizens of impending weather might be in order.

## Minutes of the September 24, 2010 Regular Council Meeting

---

- Town Manager Abbott requested that those who spoke following the French and Ryan presentation see Lynn Massey after the meeting with their names and addresses if they want their comments to be included in these minutes.
- Mike Quinn (5 W Houston St) – asked if property owners should retain the blue parking passes that were issued this year. Town Manager Abbott advised that new tags will be issued next year. Mr. Quinn asked what savings are being recognized after contracting out the median landscape work; Mr. Abbott advised that he will provide the figures to Mr. Quinn on Monday, September 27, 2010 if Mr. Quinn will come to the office.

### Upcoming Events and Meetings:

Mayor Serio announced all meetings and events.

Motion to Adjourn: Council Member Bunting

Second: Council Member Tingle

All in favor to adjourn (7-0)

Mayor Serio adjourned the meeting at 5:20PM.

The following citizens asked that their comments on the Public Safety Building be included in the record:

- Mike Quinn (5 W Houston St) – asked that his questions for Mr. French be noted as follows: Is Mr. French aware of Town height restrictions in reference to the elevator tower/cupola being proposed; has the firm considers re-orienting the building; can the town utilize the current town park for the building. The responses to these items is noted in Mr. French's presentation and the following discussion items without noting that this was in response to Mr. Quinn's questions.
- Marlene Quinn (5 W Houston St) – asked that her question for Mr. French be noted as follows: Is Mr. French aware of the Town's existing ordinances especially regarding height limitations? The response to this question is noted in Mr. French's presentation and the following discussion items without noting that this was in response to Mrs. Quinn's question.

Respectfully submitted,


Agnes DiPietrantonio, Town Clerk

Transcribed from Tape and notes provided by Pat Schuchman and Lynn Massey

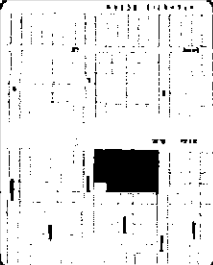
For Diane Tingle, Secretary



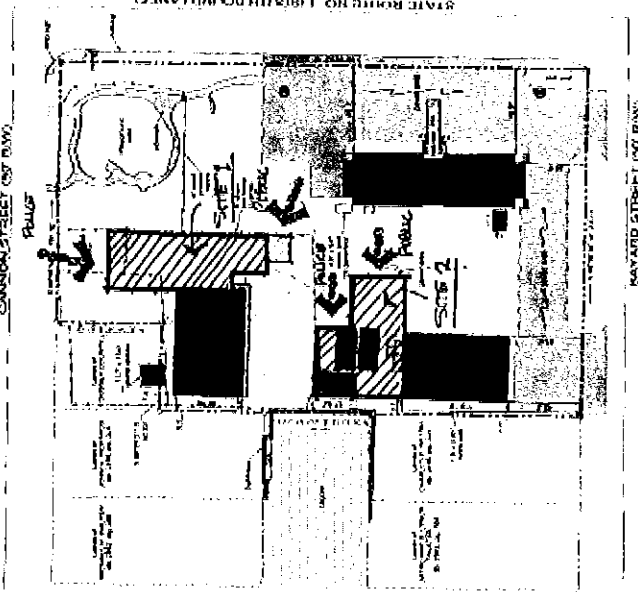
# Minutes of the September 24, 2010 Regular Council Meeting



PROPERTY MAP



STATE ROUTE NO. 1 (BRIGHT BOULEVARD)



SITE DATA

- 1. PROJECT: [ ]
- 2. LOCATION: [ ]
- 3. OWNER: [ ]
- 4. DESIGNER: [ ]
- 5. DATE: [ ]
- 6. SCALE: [ ]
- 7. NOTES: [ ]

**OWNER CERTIFICATION**

I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
 [Signature]  
 [Name]  
 [Title]

**SURVEYOR CERTIFICATION**

I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
 [Signature]  
 [Name]  
 [Title]

**SURVEYOR NOTES**

1. [ ]

2. [ ]

3. [ ]

4. [ ]

5. [ ]

**STANDARD LEGEND**

1. [ ]

2. [ ]

3. [ ]

4. [ ]

5. [ ]

LANDS OF TOWN OF FENWICK ISLAND, Being known as LOT NOS. 30, 31, 41, 42, 43, 34, 33, 32, AND A PORTION OF 34, REVISED PLOT OF GEORGE J. FENWICK, JR., AS SHOWN ON THE RECORD MAP OF THE TOWN OF FENWICK ISLAND, SITUATED IN THE TOWN OF FENWICK ISLAND, 4th Edition, Page 41.

[Signature]

[Name]

[Signature]

[Name]

[Signature]

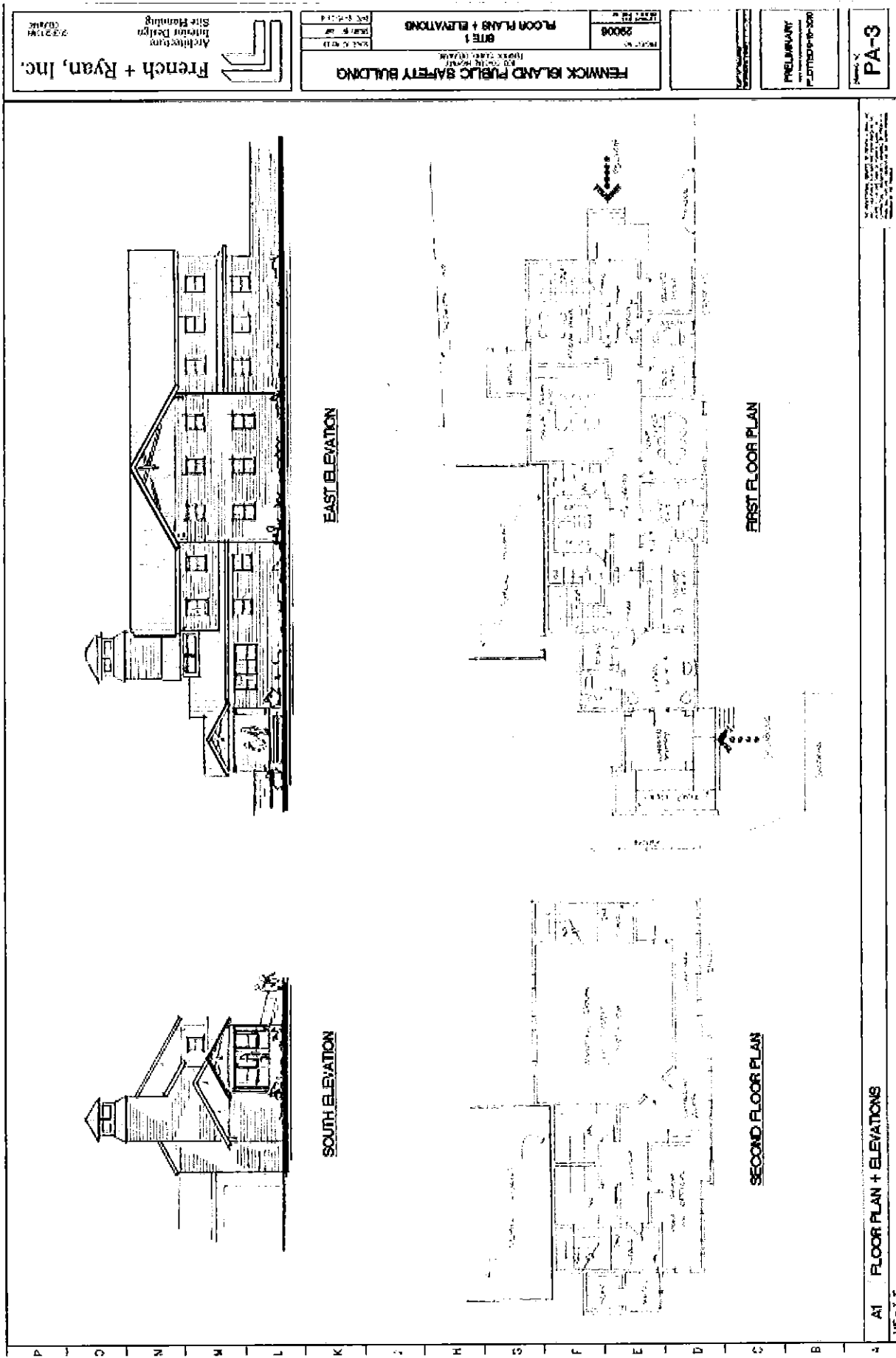
[Name]

**SIMPLER SURVEYING & ASSOCIATES**

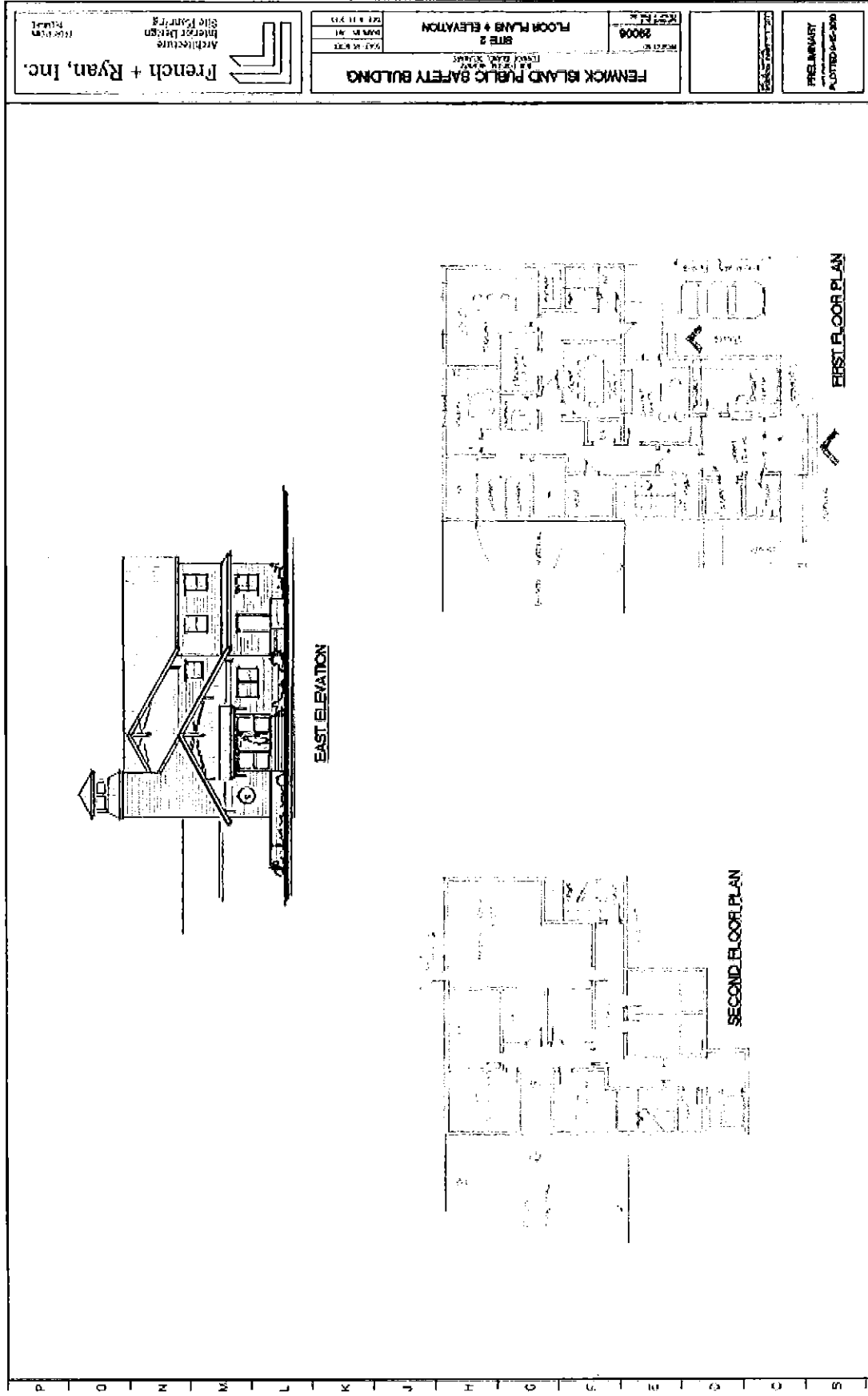
2000 N. 10th Street, Suite 100, Anchorage, Alaska 99503

Phone: (907) 551-1111 Fax: (907) 551-1112

# Minutes of the September 24, 2010 Regular Council Meeting



# Minutes of the September 24, 2010 Regular Council Meeting



# Minutes of the September 24, 2010 Regular Council Meeting

Approved First Reading – August 27, 2010

Approved Second Reading – September 24, 2010

PASSED – September 24, 2010

Approved First Reading – August 27, 2010

Approved Second Reading – September 24, 2010

PASSED – September 24, 2010

## Chapter 142, SUBDIVISION OF LAND

### EXISTING:

§ 142-4. Violations and penalties.

The commencement of any subdivision or development of land or real property or rearrangement of lots, or the selling of lots in such proposed subdivision or development or rearrangement prior to obtaining the approval of the Town Council of Fenwick Island, Delaware, shall be a violation of this chapter, and violators shall be subject to a fine of not less than five hundred dollars (\$500.) and not more than two thousand five hundred dollars (\$2,500.). Each day that any such violation shall exist shall constitute a separate offense.

### PROPOSED:

§ 142-4. Violations and penalties.

The commencement of any subdivision or development of land or real property or rearrangement of lots, or the selling of lots in such proposed subdivision or development or rearrangement prior to obtaining the approval of the Town Council of Fenwick Island, Delaware, shall be a violation of this chapter, and violators shall be subject to a fine of five hundred dollars (\$500.). Each day that any such violation shall exist shall constitute a separate offense.

### Replace in its Entirety:

Chapter 153, VEHICLES AND TRAFFIC

GENERAL REFERENCES

Parking – See Ch. 112.

§ 153-1. Authority to establish limits; penalty.

In order to avoid damage to the streets of Fenwick Island, the Town Council is hereby authorized to establish weight limits for vehicles operating upon said streets. Such limits may vary from time to time and from street to street, taking into account the condition of the surface and subsurface of each street and weather conditions and other conditions affecting the ability of the street surface to withstand damage from vehicular traffic. Signs giving notice of such weight limits shall be erected along any street to which such limits are applicable in locations suitable to give reasonable notice of such limits to persons using such streets. Any person who shall, on such a street, operate a vehicle having a weight in excess of the weight limit established for such street pursuant hereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined \$100.

§ 153-2. Establishment or change of limit by Council.

When any such limit is established by the Town Council, a majority of the members of the Council present and voting at any regular or special meeting thereof may reduce, increase or cancel any such limit. In the event of such a reduction or increase, appropriate change shall be made in any sign giving notice of the limits applicable to the streets affected by such change.

§ 153-3. Establishment of truck weight limit.

Trucks in excess of 5 tons gross vehicle weight are confined to Route 1 and the Commercial Zone, unless the destination is within the Residential Zone.

§ 153-4. Posting of signs; enforcement.

Traffic signs will be posted in accordance with the intent of this Chapter, and this Chapter will be enforced within three (3) months after enactment.

§ 153-5. Violations and penalties.

The fine for violation of this Chapter is \$100.

Posted: September 27, 2010

Posted: September 27, 2010

**TOWN OF FENWICK ISLAND**  
**MONTHLY RECONCILIATION OF ACCOUNTS**  
**SEPTEMBER 30, 2010**

<b>Company</b>	<b>Account</b>	<b>Beginning Balance</b>	<b>Ending Balance</b>
Town of Fenwick Island		\$577,326.68	1,049,076.19
	General Fund Checking	\$86,024.44	104,375.00
	General Fund Savings	\$190,241.81	638,948.79
	WSFS Bank	\$300,385.58	240,469.04
	WSFS Bank CDARS program		60,000.00
	Payroll Fund	\$474.85	5,083.36
	Petty Cash	\$200.00	200.00
Municipal Street Aid		\$0.00	26,650.86
	Checking	\$0.00	26,650.86
	Savings	\$0.00	
Law Enforcement Grants		\$3,564.89	3,564.90
	SALLE (State Aid to Local)	\$3.28	3.28
	EDIE (Drug Enforcement)	\$3,405.29	3,405.29
	SLEAF	\$30.00	30.00
	Criminal Justice Block Grant	\$126.32	126.33
Reserve Accounts			
Parks & Recreation		\$2,528.28	2,693.28
Beach Replenishment		\$35,380.82	35,383.72
Realty Transfer Funds		\$1,603,755.22	1,605,784.98
	Bank of Delmarva Reserve	\$16,592.08	16,842.15
	Delmarva CDARS	\$300,000.00	300,000.00
	Bank of Ocean City Non-Res	\$403,523.09	241,282.07
	Bank of Ocean City CDARS	\$811,456.15	975,456.15
	PNC Realty Transfer	\$72,183.90	72,204.61

TOWN OF FENWICK ISLAND  
2010-2011 REALTY TRANSFER TAX FUND

<u>MONTH</u>	<u>STARTING BALANCE</u>	<u>TAXES COLLECTED</u>	<u>INTEREST</u>	<u>TRANSFERS IN</u>	<u>TRANSFERS OUT</u>	<u>ENDING BALANCE</u>
August '10	1,351,950	35,475	1330	215,000	0	1,603,755
September '10	1,603,755	0	2030	0	0	1,605,785
October '10						
November '10						
December '10						
January '11						
February '11						
March '11						
April '11						
May '11						
June '11						
July '11						
TOTALS		35,475	3,360			
Detail:	None					

**TOWN OF FENWICK ISLAND**  
**Profit & Loss Budget vs. Actual**  
**August through September 2010**

	Aug	Aug - Sep 10	Budget	\$ Over Budget	% of Budget
<b>43000 · Taxes</b>					
41020 · Property Taxes		608,906.47	625,000.00	-16,093.53	97.43%
42010 · Rental Receipt Tax		18,183.55	260,000.00	-241,816.45	6.99%
<b>Total 43000 · Taxes</b>		627,090.02	885,000.00	-257,909.98	70.86%
<b>44550 · Charges for Services - Admin</b>					
43010 · License Fees - OC		2,260.00	45,000.00	-42,740.00	5.02%
43020 · License Fees - RU		450.00	23,000.00	-22,550.00	1.96%
43030 · License Fees - RM		0.00	25,000.00	-25,000.00	0.0%
44010 · Garbage Collection Fees		196,839.08	200,900.00	-4,060.92	97.98%
44020 · Comcast Cable Fees		6,042.69	17,500.00	-11,457.31	34.53%
44030 · Ambulance Service Fee		25,608.00	27,120.00	-1,512.00	94.43%
45100 · Building Permit Fees		24,458.08	100,000.00	-75,541.92	24.46%
<b>Total 44550 · Charges for Services - Admin</b>		255,657.85	438,520.00	-182,862.15	58.3%
<b>44800 · Fines &amp; Forfeitures</b>					
46100 · Penalties		0.00	2,500.00	-2,500.00	0.0%
46200 · Traffic Fines		2,938.34	35,000.00	-32,061.66	8.4%
46300 · Parking Violation Fees		5,302.00	18,000.00	-12,698.00	29.46%
<b>Total 44800 · Fines &amp; Forfeitures</b>		8,240.34	55,500.00	-47,259.66	14.85%
<b>45000 · Investments</b>					
47100 · Interest Income		588.58	8,000.00	-7,411.42	7.36%
<b>Total 45000 · Investments</b>		588.58	8,000.00	-7,411.42	7.36%
<b>46430 · Revenue - Admin</b>					
45320 · Contractor Decals		30.00	300.00	-270.00	10.0%
45330 · Bonfire Permits		-1,425.00	3,000.00	-4,425.00	-47.5%
46400 · Other Types of Income		100.00			
47120 · Town Hall Rental Fee		40.00	1,000.00	-960.00	4.0%
47160 · Photo/Audio Copy Fee		61.00	20.00	41.00	305.0%
47200 · Parking Permits		4,085.00	17,000.00	-12,915.00	24.03%
47275 · Public Hearing Fee		0.00	275.00	-275.00	0.0%
47800 · Sale of Equipment		25.00			
48100 · Insurance Reimbursements		0.00	6,000.00	-6,000.00	0.0%
48200 · Income restrict purpose		2,000.00			
<b>Total 46430 · Revenue - Admin</b>		4,916.00	27,595.00	-22,679.00	17.82%
<b>46440 · Other Types of Revenue - Police</b>					
47160 · Police Accident Report Fee		50.00	250.00	-200.00	20.0%
47161 · Salary OT Reimbursement		0.00	5,000.00	-5,000.00	0.0%

**TOWN OF FENWICK ISLAND**  
**Profit & Loss Budget vs. Actual**  
**August through September 2010**

	Aug - Sep 10	Budget	\$ Over Budget	% of Budget
<b>Total 46440 · Other Types of Revenue - Pol</b>	<b>50.00</b>	<b>5,250.00</b>	<b>-5,200.00</b>	<b>0.95%</b>
<b>47000 · Intergovernmental Rev Lifeguard</b>				
47280 · State Beach Lifeguard Revenue	11,000.00	40,000.00	-29,000.00	27.5%
47290 · Lifeguard - County Grant	0.00	10,000.00	-10,000.00	0.0%
<b>Total 47000 · Intergovernmental Rev Lifegu</b>	<b>11,000.00</b>	<b>50,000.00</b>	<b>-39,000.00</b>	<b>22.0%</b>
<b>47050 · Intergovernmental Rev Police</b>				
47285 · County Police Grant	0.00	20,000.00	-20,000.00	0.0%
47050 · Intergovernmental Rev Police	6,920.03			
<b>Total 47050 · Intergovernmental Rev Police</b>	<b>6,920.03</b>	<b>20,000.00</b>	<b>-13,079.97</b>	<b>34.6%</b>
<b>48160 · Junior Lifeguard</b>	<b>-87.45</b>	<b>5,000.00</b>	<b>-5,087.45</b>	<b>-1.75%</b>
	#REF!	#REF!	#REF!	#REF!
<b>61100 · POLICE DEPARTMENT</b>				
61110 · Police Salaries	41,590.59	285,000.00	-243,409.41	14.59%
61140 · Police Life Insurance	96.75	1,400.00	-1,303.25	6.91%
61150 · Police Health Insurance	8,105.94	54,832.00	-46,726.06	14.78%
61160 · Police Payroll Taxes	0.00	25,690.00	-25,690.00	0.0%
61170 · Police Pension Expense	7,471.65	12,000.00	-4,528.35	62.26%
61180 · Police Workers Compensation	3,031.52	23,600.00	-20,568.48	12.85%
61210 · Police Supplies	136.12	1,500.00	-1,363.88	9.08%
61220 · Police Office Supplies	838.84	3,000.00	-2,161.16	27.96%
61310 · Police Office Equip Maintenan	278.02	1,000.00	-721.98	27.8%
61320 · Police Printing & Advertising	0.00	1,500.00	-1,500.00	0.0%
61330 · Police Uniforms	1,252.87	4,000.00	-2,747.13	31.32%
61335 · Police Computers	1,174.33	4,000.00	-2,825.67	29.36%
61340 · Police Vehicle Maintenance	557.08	5,000.00	-4,442.92	11.14%
61345 · Police Gas & Oil	2,366.69	13,000.00	-10,633.31	18.21%
61380 · Police Training	0.00	3,000.00	-3,000.00	0.0%
<b>Total 61100 · POLICE DEPARTMENT</b>	<b>66,900.40</b>	<b>438,522.00</b>	<b>-371,621.60</b>	<b>15.26%</b>
<b>61500 · LIFEGUARDS</b>				
61510 · Lifeguard Salaries				
61515 · Lifeguard Salaries - State	26,254.80			
61510 · Lifeguard Salaries - Other	38,481.00	184,176.00	-145,695.00	20.89%
<b>Total 61510 · Lifeguard Salaries</b>	<b>64,735.80</b>	<b>184,176.00</b>	<b>-119,440.20</b>	<b>35.15%</b>
61530 · Lifeguard Payroll Taxes	0.00	14,000.00	-14,000.00	0.0%



**TOWN OF FENWICK ISLAND**  
**Profit & Loss Budget vs. Actual**  
**August through September 2010**

	Aug	Aug - Sep 10	Budget	\$ Over Budget	% of Budget
61540 · Lifeguard Workmans Comp		1,375.36	9,250.00	-7,874.64	14.87%
61610 · Lifeguard Supplies & Equipme		48.94	3,500.00	-3,451.06	1.4%
61620 · Lifeguard Uniforms		637.00	6,000.00	-5,363.00	10.62%
61630 · Lifeguard Junlor Guards		672.00	500.00	172.00	134.4%
61640 · Lifeguard Chair & Sign Maint		0.00	700.00	-700.00	0.0%
61665 · Lifeguard Training		65.00	500.00	-435.00	13.0%
61670 · Lifeguard USLA Certification		0.00	600.00	-600.00	0.0%
61675 · Lifeguard Gasoline		127.63	200.00	-72.37	63.82%
61680 · LG Physicals		0.00	700.00	-700.00	0.0%
61710 · Lifeguard Other Expenses		301.49	500.00	-198.51	60.3%
<b>Total 61500 · LIFE GUARDS</b>		<b>67,963.22</b>	<b>220,626.00</b>	<b>-152,662.78</b>	<b>30.81%</b>
<b>61800 · PUBLIC WORKS DEPARTMENT</b>					
61810 · Public Works Salaries		16,928.00	124,677.00	-107,749.00	13.58%
61830 · Public Works Life Insurance		138.88	950.00	-811.12	14.62%
61840 · Public Works Health Insurance		3,186.85	19,550.00	-16,363.15	16.3%
61860 · Public Works Payroll Taxes		0.00	10,000.00	-10,000.00	0.0%
61870 · Public Works Pension Expens		1,121.52	12,000.00	-10,878.48	9.35%
61880 · Public Works Workmans Com		1,248.52	8,200.00	-6,951.48	15.23%
61905 · Public Works Training		0.00	1,000.00	-1,000.00	0.0%
61910 · Public Works Office Supplies		0.00	150.00	-150.00	0.0%
61920 · Public Works Shop Supplies		95.82	1,500.00	-1,404.18	6.39%
61930 · Public Works Shop Equipmen		0.00	2,500.00	-2,500.00	0.0%
61940 · Public Works Safety Equipmer		0.00	500.00	-500.00	0.0%
62010 · Public Works Printing & Adver		0.00	200.00	-200.00	0.0%
62015 · Public Works Utilities		222.47	4,500.00	-4,277.53	4.94%
62020 · Public Works Bldg Maintenan		46.99	500.00	-453.01	9.4%
62025 · Public Works Uniforms		0.00	600.00	-600.00	0.0%
62030 · Public Works Gas & Oil		507.15	3,500.00	-2,992.85	14.49%
62035 · Public Works Repairs & Maint		181.22	2,000.00	-1,818.78	9.06%
62075 · Public Works CDL Testing		0.00	700.00	-700.00	0.0%
62100 · Public Works Contract Service		0.00	150.00	-150.00	0.0%
<b>Total 61800 · PUBLIC WORKS DEPARTME</b>		<b>23,677.42</b>	<b>193,177.00</b>	<b>-169,499.58</b>	<b>12.26%</b>
<b>62200 · ADMINISTRATION</b>					
62210 · Admin Salaries		24,630.73	163,000.00	-138,369.27	15.11%
62220 · Admin Life Insurance		60.75	600.00	-539.25	10.13%
62230 · Admin Health Insurance		7,572.03	38,600.00	-31,027.97	19.62%
62240 · Admin Payroll Taxes		0.00	12,400.00	-12,400.00	0.0%
62250 · Admin Pension Expense		1,552.24	13,260.00	-11,707.76	11.71%
62255 · Admin Workers Comp		174.60	1,050.00	-875.40	16.63%

**TOWN OF FENWICK ISLAND**  
**Profit & Loss Budget vs. Actual**  
**August through September 2010**

	Aug	Aug - Sep 10	Budget	\$ Over Budget	% of Budget
62260 · Admin Financial Services		2,161.91	6,000.00	-3,838.09	36.03%
62310 · Admin Office Equip Maintenanc		1,073.04	5,700.00	-4,626.96	18.83%
62320 · Admin Office Supplies		471.89	5,000.00	-4,528.11	9.44%
62330 · Admin Travel Reimbursement		87.50	750.00	-662.50	11.67%
62332 · Admin Vehicle Acquisition		692.08	4,800.00	-4,107.92	14.42%
62334 · Admin Vehicle Fuel/Maint		311.10	1,500.00	-1,188.90	20.74%
62340 · Admin Printing & Advertising		0.00	100.00	-100.00	0.0%
62350 · Admin Training		2,069.15	5,000.00	-2,930.85	41.38%
<b>Total 62200 · ADMINISTRATION</b>		<b>40,857.02</b>	<b>257,760.00</b>	<b>-216,902.98</b>	<b>15.85%</b>
<b>63200 · GENERAL GOVERNMENT</b>					
632370 · Admin Parking Permits		0.00	1,700.00	-1,700.00	0.0%
63205 · Gen Gov Insurance		860.00	61,000.00	-60,140.00	1.41%
63210 · Gen Gov Telephone		1,223.31	8,500.00	-7,276.69	14.39%
63220 · Gen Gov Website		0.00	1,000.00	-1,000.00	0.0%
63225 · Gen Gov Legal		3,693.11	14,000.00	-10,306.89	26.38%
63230 · Gen Gov Audit		0.00	8,700.00	-8,700.00	0.0%
63235 · Gen Gov Postage		590.47	2,000.00	-1,409.53	29.52%
63240 · Gen Gov Printing & Advertisin		621.14	1,700.00	-1,078.86	36.54%
63245 · Gen Gov Utilities		1,984.60	13,000.00	-11,015.40	15.27%
63250 · Gen Gov Appraisal		0.00	5,500.00	-5,500.00	0.0%
63255 · Gen Gov Emergency Mgmt		0.00	500.00	-500.00	0.0%
63260 · Gen Gov Sewer		123.00	500.00	-377.00	24.6%
63265 · Gen Gov Dues		0.00	750.00	-750.00	0.0%
63271 · Gen Gov Recycling		4,270.35			
63272 · Gen Gov Building Maintenance		1,022.87	5,000.00	-3,977.13	20.46%
63273 · Gen Gov Cell Phones		846.59	2,500.00	-1,653.41	33.86%
63274 · Gen Gov Contract Services		868.00	4,000.00	-3,132.00	21.7%
63275 · Gen Gov County Fee Tax Billin		0.00	700.00	-700.00	0.0%
63280 · Gen Gov Contingencies		1,091.70	5,000.00	-3,908.30	21.83%
63281 · Gen Gov Employee Relations		1,470.75	3,200.00	-1,729.25	45.96%
63285 · Gen Gov Codification		0.00	5,000.00	-5,000.00	0.0%
63290 · Gen Gov Pension Administrati		0.00	3,600.00	-3,600.00	0.0%
63300 · Gen Gov Government Liaison		178.50	2,500.00	-2,321.50	7.14%
63305 · Gen Gov Supplies Median Mai		2,239.86	13,500.00	-11,260.14	16.59%
63310 · Gen Gov Community Projects		-3.28	1,500.00	-1,503.28	-0.22%
63320 · Gen Gov Community Outreach		248.00	1,000.00	-752.00	24.8%
63325 · Gen Govt Ambulance Service		6,075.00	27,120.00	-21,045.00	22.4%
63330 · Gen Govt Trash Collection		28,715.20	191,310.00	-162,594.80	15.01%
<b>Total 63200 · GENERAL GOVERNMENT</b>		<b>56,119.17</b>	<b>384,780.00</b>	<b>-328,660.83</b>	<b>14.59%</b>

**TOWN OF FENWICK ISLAND**  
**Profit & Loss Budget vs. Actual**  
**August through September 2010**

	Aug	Aug - Sep 10	Budget	\$ Over Budget	% of Budget
66000 · Payroll Expenses		13,206.04			
66900 · Reconciliation Discrepancies		-168.00			
		<u>268,555.27</u>	<u>1,494,865.00</u>	<u>-1,226,309.73</u>	<u>17.97%</u>
		#REF!	#REF!	#REF!	#REF!
41010 · State Grant - Land Acquisition		215,000.00			
45030 · Interest-Investments		589.53			
		<u>215,589.53</u>			
63360 · Municipal Streets Expense		4,960.00			
63360 · Municipal Streets Lighting Exp		2,298.66			
63410 · Gen Gov Capital Expenses		223,470.00			
80000 · Ask My Accountant		-2,593.94			
		<u>228,134.72</u>			
		<u>-12,545.19</u>			
Net Income		<u>#REF!</u>	<u>#REF!</u>	<u>#REF!</u>	<u>#REF!</u>

**TOWN OF FENWICK ISLAND  
BUILDING REPORT  
SEPTEMBER 2010**

PERMIT#	PROPERTY DESCRIPTION	PROJECT DESCRIPTION	F.G.C.	TOTAL
3904	Lloyd Saunders Roofing M. Koerner 4 E. Farmington St. Lot 15 1-34 23.12 232.00	Re-shingle roof	\$6,386.00	\$191.58
3905	East Coast Struc. Movers J. Ryan 6 W. Houston St. Lot 150 1-34 23.12 117.00	Move house	\$10,000.00	\$300.00
3906	Kreative Kare Landscaping J. Wilson 1106 Schulz Road Lot 508 & 509B 1-34 23.12 6.01	30'x32' brick walkway & 1100 sf eco-paver driveway	\$11,000.00	\$330.00
3907	Ocean Svcs. Of DE, Inc. M. Stevens 504 Bay Ave Lot 250 1-34 23.16 156.00	Repair/replace 38' bulkhead	\$5,000.00	\$150.00
3908	Merritt Marine Construction W. Johnston, Jr. 1502 Bay Street Lot 114 1-34 23.12 146.00	Install 2 pilings off exiting pier	\$250.00	\$50.00
3909	Merritt Marine Construction W. Johnston 1506 Bay Street Lot 112 1-34 23.12 149.01	Repair/replace existing bulkhead & pier; install 2 new pilings & boatlift	\$27,000.00	\$810.00
3910	Mark Dieste Design Build J. Ryan 6 W. Houston Street Lot 150 1-34 23.12 117.00	Construct 4-bedroom, 4-bath single family dwelling	\$450,000.00	\$13,500.00
3911	Russell Powell Custom Bldr J. Rickards 7 E. Cannon Street Lot 8 1-34 23.16 245.00	Repair roof on existing shed	\$1,375.00	\$50.00
3912	Island Design & Builders C. Kerns 16 W. Essex Street Lot 232 1-34 23.12 49.00	20'x20' rooftop deck	\$11,000.00	\$330.00
3913	Ocean Seabreeze Contr. J. Talton/B. Concannon 4 E. Houston Street Lot 15 1-34 23.12 199.00	Repair existing 4'x42' wooden walkway	\$3,000.00	\$90.00
3914	TerraScapes Pavings L. Kulin 40 Windward Way Lots 530/531 1-34 23.12 28.00	Install permeable paved driveway	\$19,500.00	\$585.00

3915	Burnside Living Trust 1211 Bunting Avenue Lot 6 1-34 23.12 219.00	Replace existing window on first floor	\$5,200.00	\$156.00
3916	Lloyd Saunders Roofing G. Bunting 16 E. Dagsboro Street Lot 6 1-34 23.16 238.00	Re-shingle roof	\$6,603.00	\$198.00
3917	Cale Johnson Conts. M. Motes 11 High Tide Lane Lot 6 1-34 23.20 48.13	Construct 2-bedroom, 2- bath addition; enclose 13'x26' garage area; enclose existing 13'x21.3' deck w/screen	\$200,000.00	\$6,000.00
3918 (Oct. Rpt.)				
3919	Gregg White Conts. L. Winklbauer 10 W. Atlantic St. Lot 82 1-34 23.16 141.00	Install new 2-ton HVAC, replace 8 windows & 2 doors, re-shingle roof, replace siding, replace outdoor shower and ground level deck	\$21,250.00	\$684.50
	<b>TOTAL</b>		<b>\$777,464.00</b>	<b>\$23,425.08</b>

## **PUBLIC WORKS DEPARTMENT REPORT**

**September 16, 2010 to October 13, 2010**

- **Drainage work, stones in shoulder, repair signs and post work.**
- **Cut grass and trim bushes in right of ways.**
- **Water flower pots on highway and around town hall.**
- **Town inspection of roads and signs.**
- **Safety talk was on lifting with legs not back.**
- **Wash and put sealer on wood beach sign.**
- **Install 20 feet of 6" pipe under Oyster Bay DR. to drain water.**
- **Moved lift-guard stands to Fenwick State Park for storage.**
- **Moving material and equipment around in yard for new building.**
- **Running electric in town hall for Christmas star.**
- **Put new starter on dump truck.**
- **Finish building stone bin.**

FENWICK ISLAND POLICE DEPARTMENT

MEMORANDUM

TO: PRESIDENT  
COUNCIL MEMBERS  
CITIZENS

FROM: Chief William Boyden

DATE: October 14, 2010

SUBJECT: MONTHLY REPORT

Here is the SEPTEMBER monthly report for your review and approval:

	2010	2009
Traffic Arrests/Citations	102	64
Total Number of Complaints	52	40
DUI Arrests	0	0
Criminal Arrests	1	2
Parking Tickets	16	15
Time Assisting DE State Police	8	N/A
Time assisting other agencies	6	N/A

TO: Fenwick Island Town Council  
FROM: Winnie Lewis, Chair, Planning Commission

The Planning Commission met on October 5, 2010. Members considered a request from the Charter and Ordinance Committee to develop a definition for "park" that will assist the committee in its Zoning Ordinance considerations. Members will meet on Monday, November 8, 2010 at 2:30 PM in order to formulate a response to be presented to C&O on Tuesday November 9.

Respectfully Submitted,

Winnie Lewis  
WL/adip



(EXISTING – Change In Entirety)

**CHAPTER 135 - SIGNS**

**§ 135-1. Intent.**

This chapter is intended to promote the health, safety and general welfare of the residents of, visitors to, and owners and occupants of land and buildings within the Town; to restrict and eliminate signs tending to depreciate the value of property; and to eliminate actual or potential hazards to pedestrians and motor vehicle operators within the Town.

**135-2. Definitions**

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Blade Banner - A flag, pennant or similar instrument intended to be hung on a pole no higher than 17 feet nor wider than 3 feet, possessing characters, letters, illustrations or ornamentalions applied to paper, plastic, or fabric of any kind.

Building Official - In the absence of said official, shall be synonymous with the Town Manager or any other person designated to perform the duties of Building Official.

Erect - To build, construct, attach, hang, place, suspend or affix.

Flag - A piece of cloth, plastic or fabric of any kind of distinctive size, color and design used as a symbol, standard, signal, decoration, advertisement, or emblem.

Portable sign - Any permanent or temporary sign, whose design and/or construction is intended to be moveable.

Sign - Includes every sign and any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person, artificial entity, business, or group when the same is placed out-of-doors in view of the general public.

Vehicle sign - A sign or advertising device, but not a bumper sticker, which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisement of products and services or directing people to a business, service or other activity.

**§ 135-3. General provisions, restrictions and prohibitions.**

Except as otherwise specifically provided in this chapter, the following provisions apply in all zones:

A. The area of a sign shall include the entire face of the sign, including the border and trim, and shall include the space between letters, figures and designs. All sides of a sign which are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two sides are back-to-back or separated by an angle of 45° or less. In the latter case, if the two sides are not equal size, the larger side shall be measured. All signs must be built to withstand 35 pounds of wind pressure per square foot and a wind velocity of 110 mph.

B. The Building Official may cause any sign or advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

C. Portable and movable signs; A-shape signs.

(1) Portable or movable signs which are not firmly attached to a structure are prohibited, excepting that permanently located freestanding signs and those signs as set forth in § 135-3 C (2) are exempt from the above prohibition.

(2) After September 15 and before June 1, in lieu of (and not in addition to) the flags permitted in §§ 135-5A(3)(b) and 135-5C(4)(b), A-shape signs with maximum dimensions of 3 feet high and 2 feet wide or a flag indicating either "open" or a product or nationality having

dimensions of not greater than four feet by six feet shall be permitted, to be located not closer than 10 feet to either the front or side property line, one per business establishment, to be removed at sundown and not replaced until 7:00 a.m. A-shape signs shall be removed in high winds where they could create a hazard.

D. No sign shall be permitted which by reason of its shape, color or working may be confused with an official traffic sign, signal or device, or which may mislead or confuse pedestrians or vehicle operators, or obscure from view any traffic or street sign or signal or which may obstruct the view in any direction at the intersection of a street with another street or with a driveway.

E. Two signs per vehicle, not to exceed 12 square feet total, are permitted.

F. A sign in the shape or form of any person, animal, vegetable, product or portion of any of the foregoing is prohibited, except with the approval of the Town Council.

G. A sign which advertises a building, product, business, service, event, or institution which is not located on the same lot as the sign is prohibited.

H. A sign that flashes, blinks, or has intermittent or varying intensity of illumination is prohibited whether deliberate or as a consequence of a defect in the sign or the illumination source, if visible from the travel portion of the highway, except for a sign indicating the time or date or temperature changes, or a combination.

I. The light from any light source intended to illuminate a sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

J. No sign shall obstruct any door, fire escape, stairway or any opening intended to provide ingress or egress to or from any building or structure.

K. No sign which is not attached to a building shall exceed 20 feet in height above the finished grade below it.

L. The lowest point of any sign which extends over an area intended for pedestrian use shall not be less than 8 feet above the finished grade below it. The lowest point of any sign which extends over an area intended for vehicular use shall be not less than 14 feet above the finished grade below it.

M. Signs larger than 30 square feet in area shall be set back a minimum of 25 feet from the Route 1 state right-of-way line or property line on other streets or roads. Signs of 30 square feet and under shall set back a minimum of 10 feet from the Route 1 state right-of-way line or property line on other streets or roads except as otherwise specifically provided in this chapter.

N. In the case of signs placed in the interior of a building and observable from the outside through a frontage window;

(1) Unlighted signs, meaning signs without electrification, are permitted.

(2) Unless the sign is allowed under § 135-4A or B, lighted open signs and informational signs showing services rendered or products sold shall not exceed the lesser of 20% of the total area of the window or door in which they are placed or 12 square feet.

O. Unless the sign is specifically permitted under this chapter, in the Commercial Zone it shall be unlawful for any person or entity to cause or permit the repair, erection, alteration, relocation or conversion of, or to permit to exist, any sign within the Town. This prohibition shall apply to both the owner of the land or buildings and any lessee (tenant) or other occupant.

P. Handicap parking signs. Any handicap parking spaces or zones designated by any person or artificial entity for use by persons with disabilities shall have erect signage.

#### § 135-4. Signs permitted in all zones.

Subject to the other conditions of this chapter, the following signs shall be permitted in any zone:

A. Construction signs. One sign shall be permitted for all building contractors, one for all professional firms and one for all lending institutions involved in the construction, enlargement, reconstruction or repair of a structure. Each such sign shall not exceed six square feet in area, with not more than a total of 3 such signs permitted on one site. If freestanding, the height of each such sign shall not exceed 8 feet. Signs shall be set back a minimum of 5 feet from the Route 1 state right-of-way line and a minimum of 5 feet from the property line on all other streets or roads. Each such sign shall be removed within 14 days of the end of the intended use of the project.

- B. Real estate signs. One temporary real estate sign not exceeding 6 square feet in area and located on the property to which it relates shall be allowed for each lot. Signs shall be set back a minimum of 5 feet from the Route 1 state right-of-way line and a minimum of 5 feet from the property line on all other streets or roads. Any such sign shall be removed within 7 days of the sale or lease of the property.
- C. Banners. Banners advertising a public entertainment or event, if specifically approved by the Town Council and in locations designated by the Town Council, may be displayed 14 days prior to and during and 7 days after the public entertainment or event, or as otherwise approved by the Town Council.
- D. Permanent identification signs. Signs of a permanent nature, setting forth the name of a church, community center or other like projects, shall be permitted if erected in accordance with the minimum yard requirements of the zone in which the sign is located. Setback requirements shall be in accordance with § 135-3M of this chapter. Any such signs shall not exceed 30 square feet in area. Such signs shall be deemed to include community bulletin boards.
- E. Civic, religious and quasi-public signs. Name, directional and information signs and emblems of service clubs, places of worship, civic organizations and quasi-public uses shall be permitted on private property if set back in accordance with the minimum sign setback requirements of the zone in which the sign is located. Each such sign shall not exceed 3 square feet in area. If freestanding, the height of such sign shall not exceed 8 feet. In the event that there is a need for more than one sign at one location, all such signs must be consolidated and confined within a single frame.
- F. Public signs. Signs of noncommercial nature and in the public interest, such as directional signs, regulatory signs, warning signs and information signs, may be erected by or on the order of a duly appointed federal, state, county or Town public officer in the performance of his duty.
- G. Temporary signs. Temporary signs announcing any public, charitable, civic, educational or religious event or function may be located on the lot on which the event or function is to take place and set back no less than 10 feet from the property line nor exceed 30 square feet in area. Such a sign shall be erected no more than 10 days prior to the event or function and must be removed within 5 days after the event or function. If freestanding, the height of such sign shall not exceed 8 feet.
- H. Election campaign signs. Signs relating to primary or general elections, including referenda questions, shall be permitted up to a total area of 9 square feet for each lot in a Residential Zone and 30 square feet in a Commercial Zone. These signs shall be confined within private property and shall not be less than 25 feet from the nearest curb intersection of any street or road. Sign setback requirements shall be in accordance with § 135-3M of this chapter. If freestanding, the height of such signs shall not exceed 8 feet. Such a sign may be displayed no sooner than 30 days before an election and must be removed within 2 days after the election to which it relates.

#### § 135-5. Commercial and industrial signs

The following shall apply in Commercial Zones:

- A. For a single commercial business, which is not a part of a subdivided building, the following shall apply (all signs described herein shall be subject to the restrictions provided in § 135-4):
- (1) With property less than 100 feet of frontage on Route 1, 2 signs, or 2 blade banners, or one of each are permitted. One sign, attached to the building and not exceeding one square foot for each front foot of building, is permitted. A freestanding sign or blade banner is also permitted, but shall not exceed 30 square feet, and shall not reduce the number of required parking spaces.
  - (2) With property of 100 feet of frontage or more on Route 1, there shall be allowed one blade banner or one freestanding sign no larger than 120 square feet and one sign attached to the building not to exceed one square foot in area for each front foot of building.
  - (3) One United States flag and one State of Delaware flag, and one flag indicating either "open", a product, or a nationality, with each flag having dimensions not in excess of 4 feet by 6 feet are permitted if on a pole(s) attached to the front of the building or on a flag pole set back at least 25 feet from the front property line and 10 feet from any side property line; anything contained in this chapter notwithstanding, a flag may protrude no more than 6 feet from the wall to which it is attached and, if attached to a building, may not be higher than the roof of the building.
- B. In the case of a subdivided building, the total number of signs shall not exceed 3 signs for each single commercial occupant, the total square footage of all such signs shall not exceed one square foot in area for each lineal front foot of building used for a single commercial purpose. Each allowed sign must be on or attached to the building.
- C. In addition to the sign allowed in Subsection B above, the following signs shall be permitted:

- (1) One multiple-use identification sign, stating the name of the subdivided building and some or all of its tenants. The area of such sign shall be determined independently from the sign area allowed under Subsection A of this section and shall not exceed 30 square feet per tenant or exceed 250 square feet per subdivided building.
- (2) One additional sign shall be permitted below a canopy or overhang, not to exceed 2 square feet in size.
- (3) In the case of gasoline service provided by a retail store, one additional conventional freestanding gasoline sign.
- (4) Subdivided buildings; protrusion.
  - (a) For an entire subdivided building, one United States flag and one State of Delaware flag are permitted on a pole(s) attached to the front of a building or on a flagpole set back at least 25 feet from the front property line and 10 feet from any side property line.
  - (b) For a subdivided building, each holder of a business license is permitted to have one flag indicating either "open" or a product or a nationality, with dimensions not in excess of 4 feet by 6 feet, if on a pole attached to the front of the business (building). **Blade banners are prohibited.**
  - (c) Anything contained in this chapter notwithstanding, if attached to a building, a flag(s) may protrude no more than 6 feet from the wall to which it is attached and may not be higher than the roof of the building.
- D. No sign on or attached to a building shall extend beyond that portion of the building which it identifies, nor shall it extend above the height of the wall of the building on which it is placed, nor shall it extend beyond the width of the wall of the building on which it is placed, nor shall it protrude more than 6 inches from the wall of the building on which it is placed, except that the sign permitted under Subsection C(2) above may extend out to the limit of an overhang or canopy.
- E. In the case where the size of the building is disproportionately small compared to the size of the facility as a whole, a sign not to exceed 25 square feet shall be permitted on the building, to be placed in accordance with the provisions of this chapter, and one freestanding sign shall be permitted no greater than 30 square feet and shall be set back a minimum of 10 feet from the Route 1 right-of-way line or property line or other streets or roads, except as otherwise specifically provided in this chapter, and shall be subject to the restrictions as set forth in **§ 135-3**.
- F. In the case of a full-service auto repair garage-gasoline station having an overhead canopy covering at least 2 rows of gasoline pumps, the following shall be permitted:
  - (1) One freestanding sign consisting of multiple signs not to exceed 4 square feet for each multiple sign advertising current gasoline prices, subject to height, size and setback requirements set out above.
  - (2) Lettering and logo showing the company, not exceeding letter heights of 2 ½ feet, lettering length of 16 feet and logo height of 33 inches, on either side of the canopy.
  - (3) A sign not exceeding 16 square feet on the building indicating the service center.
  - (4) Advertisement of oil and gas on each pump, said advertisement not to exceed 3 square feet on each pump, is permitted.

#### **§ 135-6. Nonconforming signs**

- A. Any permanent sign lawfully in existence on the effective date of this chapter shall be allowed to remain; however, **if an existing sign is destroyed or falls into disrepair, then reconstruction of said sign of the same size and in the same location shall be permitted if rebuilt within one year of said destruction or disrepair. In the event such a sign is not rebuilt and replaced within the one-year time limit, then any reconstruction must be in accordance with this chapter.** The condition of the sign in question shall be determined and approved by the Building Official at the time the sign permit application is filed as set forth in **§ 135-7** herein. The condition of such sign may also be evaluated at the time it is destroyed or falls into disrepair. All applications for a permit to replace a nonconforming sign shall not be considered as a reconstruction of a nonconforming sign and, therefore, the replacement sign must be in accordance with this chapter.
- B. Portable or movable signs that are in violation of **§ 135-3C** shall be removed not later than 30 days after the effective date of this chapter.

§ 135-7. Permits.

- A. No sign shall be erected or moved or altered as to size, shape, design or context without first filing an application and obtaining a signed permit of approval by the Building Official, except as provided in § 135-8 of this chapter. Where space on the sign is provided to indicate sales or specials, the written and/or graphic content in this area may be changed without prior approval.
- B. The exact location, size, type of illumination, structural content, support system, color and design must be clearly and fully set forth in Section II of the Sign Permit Application except as provided in § 135-8 of this chapter.
- C. A fee as set by resolution by the Town Council from time to time must accompany each sign permit application for a multiple use identification sign as set forth in § 135-5C(1) of this chapter, and for each sign described in § 135-4A or B of this chapter. All other sign permits will be charged a fee as set by resolution of the Town Council from time to time, except as provided in § 135-8 of this chapter.
- D. All requests for a permit hereunder must be signed by the owner of the property and/or business owner of that property where the sign is to be located.
- E. An application for a sign permit may be obtained from the Town Manager or Building Official's office.

§ 135-8. Exceptions; sign application; permit and fee.

- A. Signs which are permitted in accordance with § 135-4A, B and F of this chapter shall not require the submission of an application or a permit or a fee to be paid, provided that they shall be in accordance with all other requirements of this chapter.
- B. Signs which are permitted in accordance with § 135-4C of this chapter shall require the submission of an application which must be approved by Town Council. No fee will be required.
- C. Signs which are permitted in accordance with § 135-4D and E of this chapter shall require the submission of a sign application and a sign permit. No fee will be required.
- D. Signs which are permitted in accordance with § 135-4G and H of this chapter shall not require the submission of an application or a permit, and no fee is required, provided that they shall be in accordance with all other requirements of this chapter, and further provided that the Building Official be advised prior to erection as to location, size and content.
- E. Signs which are required in accordance with § 135-3P of this chapter shall not require the submission of an application or a permit, and no fee is required, provided that they shall be in accordance with Title 9, Section 310, of the Delaware Code.

§ 135-9. Maintenance of signs.

If the Building Official shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he/she shall give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or be made to comply by order of the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

§ 135-10. Penalties.

Violators of any provision of this chapter shall, upon conviction, be subject to a fine of \$200. Each day that the violation continues to exist after written notification by the Town of the violation and the expiration of the time for compliance of at least 10 days set forth in the notice shall be a separate offense, subject to the same penalty for each day the violation continues.

§ 135-11. Appeals.

Appeals to the Interpretation of this chapter will be made to the Town Council. The decision of the Town Council shall be final.

(Existing – Replace in Entirety)

Chapter 140, STREETS AND SIDEWALKS

GENERAL REFERENCES

ARTICLE I, Street Names

§ 140-1. Street names and signs.

A. In order to facilitate the prompt location of specific addresses by emergency vehicles, the names of Town streets intersecting with Coastal Highway may include an east or west designation where applicable as follows:

Streets Running Easterly  
from Coastal Highway

East Atlantic Street  
East Bayard Street  
East Cannon Street  
East Dagsboro Street  
East Essex Street  
East Farmington Street  
East Georgetown Street  
East Houston Street  
East Indian Street  
East James Street  
Lewes Street  
King Street

Streets Running Westerly  
from Coastal Highway

West Delaware Avenue  
West Maryland Avenue  
Oyster Bay Drive  
West South Carolina Street  
West Atlantic Street  
West Bayard Street  
West Cannon Street  
West Dagsboro Street  
West Essex Street  
West Farmington Street  
West Georgetown Street  
West Houston Street  
West Indian Street  
West James Street  
High Tide Lane  
Windward Way  
Ebb Tide Cove

B. Signage for these streets shall use the abbreviations "E." and "W.", where applicable.